

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATRICE BALLARD,

Plaintiff,

v.

BLUESTEM BRANDS INC. D/B/A
FINGERHUT,

Defendant.

Case No. 2:18-cv-10395-GAD-MKM
Hon. Gershwin A. Drain
Mag. Judge Mona K. Majzoub

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Counsel for Bluestem Brands, Inc.

JOINT MOTION FOR ENTRY OF AGREED PROTECTIVE ORDER

The parties, Katrice Ballard (“Plaintiff”) and Bluestem Brands, Inc. d/b/a Fingerhut (“Defendant”), pursuant to Fed. R. Civ. P. 26(c)(1), respectfully move the Court for entry of a protective order in the form submitted to the Court through the Court’s CM/ECF system. In support of their joint motion, the parties state as follows:

1. The above-referenced action involves claims under the Telephone Consumer Protection Act (“TCPA”). Plaintiff has requested materials in discovery that may contain trade secret or other confidential and proprietary commercial information as well as personally identifiable information (the “Confidential Information”). Specifically, Plaintiff has requested commercial information and materials relating to the business practices, policies, procedures, and training materials utilized by Defendant and its third-party vendors. Plaintiff has also requested

records and documentation containing personally identifiable information, such as name, social security number, date of birth, and account number.

2. Pursuant to Fed. R. Civ. P. 26(c)(1), “[t]he Court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense,” including an order “requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.” Fed. R. Civ. P. 26(c)(1)(G).

3. The parties agree that good cause exists for a protective order that prohibits disclosure of the Confidential Information. The Confidential Information is not available in the public domain and use or disclosure of this information would cause competitive injury to Defendant. If the Confidential Information were to fall into the hands of competitors, Defendant would be harmed because Defendant’s confidential business information provides it an economic and competitive advantage. Additionally, good cause exists to protect the personally identifiable information of Defendant’s customers, which may be protected from disclosure by state or federal privacy laws.

3. The parties jointly submit by CM/ECF for consideration the proposed Agreed Protective Order. The terms of the Agreed Protective Order are satisfactory to both parties.

WHEREFORE, Plaintiff and Defendant respectfully and jointly request that the Court enter the proposed Agreed Protective Order in the form submitted to the Court by CM/ECF, and further request such other relief as is just and proper.

Respectfully submitted,

/s/ Ryan G. Milligan

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